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09/693,780	10/20/2000	Arturo A. Rodriguez	A-6694	8562

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

12

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/693,780

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56-59, 61, 63-71, 73-79, 81 and 83-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-59, 61, 63-71, 73-79, 81 and 83-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application (60/214,987) upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 56-59, 61, 63-71, 73-79, 81, and 83-100 of this application. In particular, the examiner cannot find adequate support for the limitation wherein sequential data supplements are provided responsive to user in a manner that is synchronized according to time stamp specifications with the video presentation.
2. With respect to applicant's claim for priority as a continuation-in-part to co-pending application No. 09/590,520, the earlier application discloses the overall system architecture of the utilized by the instant application (Figures 1-2) and illustrates similar GUI screen-shots. The claimed subject matter of the independent claims of the instant application wherein sequential data supplements are provided responsive to user in a manner that is synchronized with the video presentation does not appear to be disclosed in the parent application. Accordingly, the claims of the instant application shall be examined in view of the filing date of the instant application (19 October 2000).

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the particular "presenting sequential portions of the supplemental stream data with the video program at a plurality of respective time intervals corresponding to respective portions of the video program" wherein

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the presentation further utilizes “time stamp specifications” in order to synchronize the presentation with the supplemental data must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Response to Arguments***

4. Applicant's arguments with respect to claims 56, 66, 76, 86, and 100 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

5. Claim 91 is objected to because of the phrase “the supplement stream of data” should be amended to read the “supplemental stream of data”. Furthermore, the phrase “the first video and the second video” lack proper antecedent basis. For the purpose of examination, the examiner shall presume that the claim has been amended to refer to the respective “video streams”. Appropriate correction is required.
6. Claim 100 is objected to because of the phrase “the supplement stream of data” should be amended to read the “supplemental stream of data”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 56-59, 61, 63, 65-71, 73, 76-79, 81, 83, 94, 95, 98, and 100 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US Pat No. 6,408,128).

In consideration of claim 56, the Abecassis reference discloses a method “implemented by a television set-top terminal” [100] such as the Scientific-Atlanta Explorer 2000 digital set-top (Col 6, Lines 13-31) that is “configured to receive a video program from a remote server” [423] (Figure 4). The embodiment is subsequently operable to “provide a selectable option to receive a supplemental stream of data associated with the video program” and “responsive to receiving the viewer input” “. . . being configured to select the selectable option,” the embodiment “receives via a tuner in the STT” inherently associated with the Scientific-Atlanta Explorer 2000 digital set-top the “supplemental stream of data and the video program”. Subsequently, the “set-top terminal” [100] “presents sequential portions of the supplemental stream of data with the video program at a plurality of respective time intervals corresponding to respective portions of the video program” (Col 1, Lines 6-13; Col 3, Lines 23-29; Col 6, Lines 32-34; Col 8, Lines 34-45; Col 11, Lines 50-59; Col 18, Lines 19-46; Col 50, Lines 37-63; Col 51, Line 61 – Col 52, Line 48). For example, the reference discloses that a user may utilize a “selectable option” associated with an explain function upon which the presentation of a particular segment of the video presentation may be replayed or “presented” synchronously with supplemental stream of data including the director’s commentary.

Claim 66 is rejected in view of claim 56 wherein the “set-top terminal” [100] comprises a “memory configured to store program code” [112/115] and “at least one processor that is programmed by the program code” [111] so as to implement the aforementioned method.

Claim 76 is rejected in view of claim 56 wherein the aforementioned method is implemented via a system comprising “receiving means” [131/141] (Col 14, Lines 36-42), “processing means for providing” [423], and “processing means for enabling the presentation” [111].

Claims 57, 67, and 77 are rejected wherein the “supplemental stream of data comprises on-screen comments, the on-screen comments being one of director comments, producer comments, actor comments, and comments from another viewer” (Col 51, Line 61 – Col 52, Line 12).

Claims 58, 68, and 78 are rejected wherein “presenting at least a portion of the supplemental stream of data during at least one time interval correspond to the appearance time of a visual object contained in the video program” wherein the video object may correspond to a something within a particular scene in which the user is unclear (Col 51, Line 61 – Col 52, Line 12).

Claims 59 and 69 are rejected wherein the “presenting the sequential portions of the supplemental stream of data at a plurality of respective time intervals corresponding to respective portions of the video program is a time-synchronized composition of the supplemental stream of data and the video program according to time stamp specifications” such as those intrinsically associated with MPEG encoding (Col 8, Lines 34-45).

Claims 61, 71, and 81 are rejected wherein the “supplemental stream of data comprises at least one of graphical data, textual data, video data and audio data” (Col 52, Lines 41-48).

Claims 63, 73, and 83 are rejected wherein the “video program comprises a video-on-demand program established over a dedicated network session between the remote server and the STT” (Col 11, Line 50 – Col 12, Line 48; Col 43, Lines 48-55).

Claim 65, 70, and 79 are rejected wherein “at least a portion of the supplemental stream of data and the at least a portion of the video program are presented by the STT as a television signal” [451].

Claim 94 is rejected wherein “presenting the sequential portions of the supplemental stream of data at a plurality of respective time intervals is in relation to a starting point in the video program, the starting point being a video chapter” (Col 63, Lines 29-42)

Claim 95 is rejected wherein “at least one portion of the supplemental stream of data is associated to and presented during a first interval and a second interval of the presentation of the video program” such that a particular scene is defined by a plurality of intervals or segments (Col 63, Lines 43-57).

Claim 98 is rejected wherein the “supplemental stream of data is audio data is mixed with the main audio” (Col 62, Lines 18-65).

In consideration of claim 100, the Abecassis reference discloses a method “implemented by a server coupled to a television set-top terminal” [100] such as the Scientific-Atlanta Explorer 2000 digital set-top (Col 6, Lines 13-31) via a “bi-directional communication network” (Figure 4; Col 111, Line 50 – Col 12, Line 13). The method comprises “receiving a request from the STT for the rented video program”, “establishing a dedicated network

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session between the server and the STT” and “providing the rented video program through the established network connection” (Figure 11; Col 11, Line 50 – Col 12, Line 48, Col 43, Line 63 – Col 45, Line 26). Furthermore, during the presentation the embodiment “provides a selectable option to receive from the server a supplemental stream of data associated with the presentation time of respective portions of a rented video program video program” and “responsive to receiving the viewer input” the embodiment “receives from the server at least a portion of the supplement stream of data and at least a portion of the rented video program as respective multiplexed streams via a tuner in the STT” inherently associated with the Scientific-Atlanta Explorer 2000 digital set-top terminal. The “set-top terminal” [100] accordingly, “outputs a composition of the received said portion of the supplemental stream of data and the received said portion of the rented video program as a television signal, wherein the composition . . . [is] time synchronized according to time stamp specifications” in a manner intrinsic to MPEG reproduction (Col 1, Lines 6-13; Col 3, Lines 23-29; Col 6, Lines 32-34; Col 8, Lines 34-45; Col 11, Lines 50-59; Col 18, Lines 19-46; Col 50, Lines 37-63; Col 51, Line 61 – Col 52, Line 48).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
11. Claims 96 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pat No. 6,408,128).

In consideration of claim 96, the Abecassis reference discloses that supplemental information may be any information including text, video and/or audio information to elucidate, illuminate, illustrate, clarify, and/or explain, during a replay, a portion of a video, and/or may be advantageously utilized in a replay of a segment of a video in conjunction with an "active time interval" (Col 50, Lines 1-50). For example, graphical data may simply comprise on-screen text data (Merriam-Webster's Collegiate Dictionary 10<sup>th</sup> Edition) that only appears during the relevant portions of the presentation. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize "graphical data that is specified by screen locations and an active time interval in relation to the presentation time portions of the video program" for the purpose of using graphics or video information to particularly elucidate, illuminate, illustrate, clarify, and/or explain a particular segment of a video presentation in a manner that advantageously flexible with respect to the on-screen location of the additional information. For example, it would

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not be particularly helpful if supplemental information describing how to perform a magic trick hid the replayed portion of the video illustrating the trick.

In consideration of claim 97, the reference discloses that the “supplemental data stream” is operable to explain how a magic trick is performed through the use of “graphical data” comprising different camera angles (Col 52, Lines 41-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made that such “graphical data” would comprise “inconspicuous parts of the video presentation” since it was known in the art that magicians utilize inconspicuous actions in order to “trick” viewers. Accordingly, it would have been obvious to one having ordinary skill in the art to illustrate the “inconspicuous parts” in conjunction with explaining how a magic trick was accomplished for the purpose of educating viewers as to how they were tricked and/or how they could trick others in a similar fashion.

12. Claims 64, 74, 75, 84, 85, 87-93, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (US Pat No. 6,408,128) in view of Adams (US Pat No. 6,378,130).

In consideration of claims 64, 74, 75, 84, and 85, it is unclear if the VOD presentation in connection with the Abecassis embodiment necessarily distributes the “at least a portion of the supplemental stream of data and at least a portion of the video program” substantially simultaneously via a “single tuned transmission channel” for reception via the “tuner in the STT”. However, the particular means for delivering a VOD presentation via a single channel is known in the art. For example, the Adams reference discloses a VOD delivery architecture wherein multiplexed signals (MPEG) associated with the video presentation are distributed

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via a “single tuned transmission channel” and are “received substantially simultaneously” via the “tuner in the STT” [41] (Adams: Col 10, Line 40 – Col 11, Line 19). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize “single tuned transmission channel” as taught by Adams for the purpose of utilizing a VOD delivery architecture that is much less complex than prior media delivery systems providing the same services and provides greater flexibility with respect to the system capacity may be changed (Adams: Col 7, Lines 8-16).

In consideration of claim 86, the Abecassis reference discloses a method “implemented by a television set-top terminal” [100] such as the Scientific-Atlanta Explorer 2000 digital set-top (Col 6, Lines 13-31) “coupled via a bi-directional network to a programmable remote server” and “configured to receive a video program from a remote server” [423] (Figure 4; Col 11, Line 50 – Col 12, Line 13). The embodiment is subsequently operable to “receive from the server a first video stream corresponding to the main view of the video program” in addition to “an audio stream associated with the video program”. Subsequently, the embodiment is operable to “provide a selectable option to receive a second video stream corresponding to a supplemental view of the video program” and “responsive to receiving the viewer input”, the embodiment “receives the second video stream” associated with different camera angles of the same presentation. The “set top terminal” [100], upon receiving the aforementioned “audio stream” and the “first” and “second video streams associated with the video program” is operable to “output . . . a composition of the first and second video streams as a television signal; wherein the composition of the first video and second video are time synchronized according to time stamps specifications” such as that outlined in the MPEG

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standard (Col 8, Lines 34-45; Col 18, Lines 19-46; Col 50, Lines 36-63; Col 51, Line 61 – Col 52, Line 48; Col 67, Line 18 – Col 69, Line 7).

However, it is unclear if the VOD presentations delivered as “streams associated with the video program as respective multiplexed streams” in conjunction with the MPEG2 standard are necessarily distributed via a “single tuned transmission channel” for reception via the “tuner in the STT”. The Adams reference discloses a VOD delivery architecture wherein multiplexed signals (MPEG) associated with the video presentation are distributed via a “single tuned transmission channel” and are “received . . . via the “tuner in the STT” [41] that is “tuned to a single transmission channel (Adams: Col 10, Line 40 – Col 11, Line 19).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize “single tuned transmission channel” as taught by Adams for the purpose of utilizing a VOD delivery architecture that is much less complex than prior media delivery systems providing the same services and provides greater flexibility with respect to the system capacity may be changed (Adams: Col 7, Lines 8-16).

Claim 87 is rejected wherein the “video program comprises a video-on-demand program established over a dedicated network session between the remote server and the STT”

(Abecassis: Col 11, Line 50 – Col 12, Line 48; Col 43, Lines 48-55)

Claims 88 and 89 are rejected wherein the “composition of the first and second videos in the television signal” may be presented as a “split-picture” or “picture-in-picture” fashion

(Abecassis: Col 18, Lines 36-46; Col 67, Lines 18-43).

Claim 90 is rejected wherein the “first and second videos correspond to a first and second camera angle of the scene contained in the video program respectively” (Abecassis: Col 52, Lines 41-48).

Claim 91 is rejected wherein the embodiment is operable to “receive from the server a supplemental stream of data that is associated with the presentation time of the respective portions of the video program” and “outputting by the STT a television signal that contains the supplemental stream of data and the first and second videos; wherein the supplemental stream of data and the first video and second video are time synchronized according to time stamp specifications” such as those intrinsically associated with MPEG encoding (Col 8, Lines 34-45). For example, the “first video presentation” may be a magic trick that is simultaneous displayed in conjunction with a “second video presentation” associated with different camera angles associated with the trick and the “supplemental data” may be text information that is synchronized with both presentations explaining what is going on.

Claim 92 is rejected wherein the “supplemental stream of data, audio and video are encrypted and transmitted over the same transmission channel” (Abecassis: Col 43, Lines 4-16; Adams: Col 3, Lines 31-38).

Claim 93 is rejected wherein the “transmission channel is a radio-frequency channel with a specified center frequency, wherein data carried in said transmission channel is modulated via quadrature amplitude modulation (QAM) (Adams: Figure 5; Col 10, Line 40 – Col 11, Line 19).

Claim 99 is rejected wherein the “video program comprises a rented video program established over a dedicated network session between the remote server and the STT”  
(Abecassis: Col 11, Line 50 – Col 12, Line 48)

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Subramanian (US Pat No. 6,512,552) reference discloses a method for operating a digital video processor to continuously demultiplex, store and decode audio and video data streams and play back corresponding using MPEG-2 based presentation time stamp (“PTS”) in order to synchronize the presentation or playback.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.


The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB  
May 7, 2004



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